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Viewing cable 09QUITO407, ECUADORIAN NGOS RESIST GOE MOVES TOWARD GREATER CONTROL

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Understanding cables

Every cable message consists of three parts:

- The top box shows each cables unique reference number, when and by whom it originally was sent, and what its initial classification was.
- The middle box contains the header information that is associated with the cable. It includes information about the receiver(s) as well as a general subject.
- The bottom box presents the body of the cable. The opening can contain a more specific subject, references to other cables ([browse by origin](#) to find them) or additional comment. This is followed by the main contents of the cable: a summary, a collection of specific topics and a comment section.

To understand the justification used for the classification of each cable, please use this [WikiSource](#) article as reference.

Discussing cables

If you find meaningful or important information in a cable, please link directly to its unique reference number. Linking to a specific paragraph in the body of a cable is also possible by copying the appropriate link (to be found at the paragraph symbol). Please mark messages for social networking services like Twitter with the hash tags **#cablegate** and a hash containing the reference ID e.g. **#09QUITO407**.

Reference ID	Created	Released	Classification	Origin
09QUITO407	2009-06-02 21:31	2011-08-30 01:44	CONFIDENTIAL	Embassy Quito

Appears in these articles:

<http://www.eluniverso.com/2011/04/22/1/1355/cable-209794.html>

VZCZCXYZ0000
RR RUEHWEB

DE RUEHQT #0407/01 1532131
ZNY CCCCC ZZH
R 022131Z JUN 09
FM AMEMBASSY QUITO
TO RUEHC/SECSTATE WASHDC 0424
INFO RUEHBO/AMEMBASSY BOGOTA 8165
RUEHCV/AMEMBASSY CARACAS 3564
RUEHLP/AMEMBASSY LA PAZ JUN LIMA 3222
RUEHGL/AMCONSUL GUAYAQUIL 4348

C O N F I D E N T I A L QUITO 000407

SIPDIS

E.O. 12958: DECL:(##)
TAGS: [PGOV](#) [SENV](#) [PHUM](#) [EAID](#) [ECON](#) [EC](#)
SUBJECT: ECUADORIAN NGOS RESIST GOE MOVES TOWARD GREATER CONTROL

Reftel A: Guayaquil 125, B: Quito 225

Classified by Ambassado...

id: 209794
date: 6/2/2009 21:31
refid: 09QUITO407
origin: Embassy Quito
classification: CONFIDENTIAL
destination: 09GUAYAQUIL125|09QUITO225
header:
VZCZCXYZ0000
RR RUEHWEB

DE RUEHQT #0407/01 1532131
ZNY CCCCC ZZH
R 022131Z JUN 09
FM AMEMBASSY QUITO
TO RUEHC/SECSTATE WASHDC 0424
INFO RUEHBO/AMEMBASSY BOGOTA 8165
RUEHCV/AMEMBASSY CARACAS 3564
RUEHLP/AMEMBASSY LA PAZ JUN LIMA 3222
RUEHGL/AMCONSUL GUAYAQUIL 4348

----- header ends -----

C O N F I D E N T I A L QUITO 000407

SIPDIS

E.O. 12958: DECL:(#)
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SUBJECT: ECUADORIAN NGOS RESIST GOE MOVES TOWARD GREATER CONTROL

Reftel A: Guayaquil 125, B: Quito 225

Classified by Ambassador Heather Hodges. Reason: 1.4 b and d.

11. (SBU) Summary: The GOE has taken steps in the past year to expand its regulation of NGOs in Ecuador. It also attempted to close a prominent environmental NGO in March 2009, in a move many believed was politically motivated. The NGO community is attempting to organize in response to these measures and hopes to work with the GOE to shape regulations that do not hinder their effectiveness. End Summary

12. (SBU) The GOE has taken steps in the past year to assert greater control over NGOs by raising capital requirements, expanding the government's investigative capability, and insisting that NGOs' potentially sensitive internal information be publicized in an internet registry. The GOE has also attempted to expand the range of NGOs it can regulate, by claiming authority to supervise both those that receive public funds as well as NGOs whose work the government decides has an impact on the public interest. The government's moves have had a significant impact on religious organizations as well (Reftel A).

GOE Asserts Goal is Transparency

13. (C) Ramiro Rivadeneira, Undersecretary for Judicial Affairs at the Ministry of Government, told us that the GOE sought to improve the public's access to NGO information. Rivadeneira said the GOE's main objective was to centralize the public registry of NGOs in an internet database. He said that the process of organizing this had revealed many NGOs registered under incorrect GOE ministries. Rivadeneira also suggested that some NGOs and religious organizations have splintered into smaller groups that have abused the parent organization's not-for-profit status. (Note: The Embassy has heard anecdotal reports of this from other sources. In a recent meeting, a U.S. religious figure told the DCM that he knew of religious NGOs that had been set up for the sole aim of raising money for the personal use of the NGO's founders. End Note.) Rivadeneira denied that there was anything authoritarian or restrictive about the government's intentions, and said the GOE's moves were simply intended to eliminate this abuse and to organize an increasingly chaotic situation with thousands of poorly-understood NGOs operating in the country. Rivadeneira said the GOE planned to engage in

dialogue with both NGOs and religious groups to create new regulatory laws.

14. (C) The government initially sought to implement its expanded authority through Presidential Decree 982, which was issued in March 2008. NGOs in Ecuador have criticized this decree for allowing the Government a wide range of discretion in enforcing regulations and expanding its powers to close non-compliant NGOs. The decree states that if NGOs "repeatedly violate the provisions of the ministries," the government may shut them down. The NGO Grupo FARO's executive director voiced concern about the decree to POLCOUNS last spring. Some observers argue that the GOE measures are vague and unconstitutional, saying they violate guarantees of freedom of expression and due process. In December 2008, the Ministry of Economic and Social Inclusion (MIES) began drafting a new law that would expand even further the government's regulatory powers, particularly over NGOs that do not accept public funds. The NGO community is attempting to organize in an effort to moderate aspects of the new law and to remove the elements of Decree 982 that it believes are unconstitutional.

GOE Attempts to Shut Down Prominent NGO Accion Ecologica

15. (SBU) The NGO's efforts have taken on a new urgency following a GOE effort in March 2009 to dissolve a prominent environmental NGO called Accion Ecologica. On March 2, the Ministry of Health (MOH) revoked Accion Ecologica's government certification, claiming that it had not "fulfilled the mission for which it was founded." Without government certification, NGOs are not able to operate legally within Ecuador. Accion Ecologica is one of the most outspoken critics of the GOE's environmental policies, and was particularly critical of the recently passed mining law (septel). It was widely believed that the GOE was "sending a message" to the broader NGO community through its action.

16. (SBU) Accion Ecologica representatives said they were "perplexed" by the move and called it "political persecution." The MOH denied this, saying that it was just moving Accion Ecologica to the more appropriate Ministry of the Environment (MOE). The MOH claimed that Accion Ecologica "did not coordinate its work with the government" as it was supposed to, and said that six other NGOs had also been closed in 2008 for being registered with the wrong ministry. Others have disputed this assessment, however, saying that the MOH did not provide appropriate notification, and that the likely six month recertification process placed an unreasonable burden on Accion Ecologica, which would have to cease operations during this period. Critics of the move pointed out that the Ministry of Environment did not exist when Accion Ecologica was founded 20 years ago, and that its registration with the MOH had previously never been a problem.

17. (C) A lawyer who works with Ecuadorian NGOs told EconOff that Accion Ecologica could have challenged the government's move in the courts, and she was certain it would have won. She noted, however, that a court battle would have lasted at least a year. Accion Ecologica instead attempted to keep a low profile and negotiate a compromise with the government. The negative press coverage, public outcry, and support from international NGOs eventually forced the government to suspend the revocation on March 21.

18. (SBU) EconOff encountered a range of views about the GOE's actions. One lawyer EconOff spoke with suggested that proposed law would severely limit the independence and effectiveness of the NGOs. She felt a unified effort by the NGO community was necessary to prevent the GOE from overreaching. Another environmental lawyer was more sanguine about the GOE's actions, however, noting that the GOE had proposed similar regulations several times before, but it had never succeeded in limiting NGO independence. While differing on the seriousness of the threat, both lawyers expressed optimism that the NGOs could use the drafting of the new law by MIES to build bridges with the government and perhaps eliminate unconstitutional provisions from Decree 982.

Comment

19. (C) Given the Correa government's limited tolerance for dissent (Reftel B), its obsession with bringing everything in line with state

planning, and the negative precedents elsewhere in the region, we do not take NGO concerns lightly. The Embassy will continue to monitor carefully whether GOE actions impose significant restrictions on NGO independence.

Hodges

=====CABLE ENDS=====